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PFIZER INC.  
PATENT DEPARTMENT, MS8260-1611  
GROTON CT 06340

In re Application of :  
Becker, et al. :  
Application No. 10/722,104 :  
Filed: November 25, 2003 :  
Attorney Docket No. PC27788 :  
For: HETEROARYLSULFONYLMETHYL  
HYDROXAMIC ACIDS AND AMIDES  
AND THEIR USE AS PROTEASE  
INHIBITORS

ON PETITION

**MAILED**

FEB 10 2009

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(b), filed June 3, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of the Rule 137(b) decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioners are advised that this is not a final agency decision.

According to the April 22, 2008 Notice of Abandonment, this application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed December 7, 2007, which set a three month period for reply. This application became abandoned on March 8, 2008.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
- (2) the petition fee as set forth in 37 CFR 1.17(m);

- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

While petitioners have paid the issue fee and the publication fee, the application is abandoned for a different reason as the one stated in the April 22, 2008 Notice of Abandonment. The person who executed the terminal disclaimers on September 19, 2007 is **not** an empowered attorney of record. It is noted that an associate power of attorney was filed on July 17, 2007. Effective June 25, 2004, power of attorney practice was abolished. 37 CFR 1.32. Therefore, the July 17, 2007 associate power of attorney was not entered and the practitioner listed in the document, John H. Engelmann is not an attorney of record. An attorney of record should execute new terminal disclaimers.

The statement of unintentional delay was signed by a person who may not have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

The Change of Correspondence Address filed on June 3, 2008 has not been accepted because Attorney Engelmann is not an attorney of record. A courtesy copy of this decision is being mailed to practitioner. However, any future correspondence regarding this application will be mailed to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:** (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.



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